

application that . . . were giving the Department pause.”³⁵⁴ Eckstein recalled that Duffy told the applicant group that Skibine and his staff were going to prepare a report on the application, which would take four to six weeks, and that no decision would be made on the application until the report was completed.³⁵⁵

Witnesses have differing recollections of the second session in the IGMS offices with Skibine and Hartman. Some described a brief period of superficial discussion of the application, which was reported to be fine; others described a more involved meeting, lasting an hour or more, at which Skibine and Hartman asked some questions and flagged some issues. Four Feathers witnesses generally agreed that they were told there were no major flaws with the application. One tribal leader reported that Skibine noted certain problems at this meeting, including environmental concerns and the local opposition. Havenick stated that the IGMS staffers mentioned the local opposition, but that they seemed to downplay its significance.

Skibine said he could not separate out the discussions from this second meeting on May 17 from those at a May 31 meeting, discussed *infra* at 220.³⁵⁶ By mid-May, Skibine did have a version of Hartman’s memo containing an analysis of the “best interests” of the tribes and remembered discussing at one of the meetings with some Four Feathers representatives aspects

³⁵⁴Grand Jury Testimony of John Duffy, May 12, 1999, at 95 (hereinafter “Duffy G.J. Test., May 12, 1999”).

³⁵⁵Eckstein acknowledges that someone in the Office of the Secretary later notified him that Babbitt would be willing to meet with Eckstein again on Hudson, but only without the tribal leaders themselves. Eckstein says he ignored that call because he still planned to seek such a meeting with the tribal leaders included, if it became necessary.

³⁵⁶Skibine recalled two different meetings with applicants, but was unclear on dates, attendees and other specifics. He recalls one meeting may only have included Havenick, Moody and perhaps another person. This was probably the second meeting, held on May 31.